

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

CITY OF NORTH LAS VEGAS, et al.,

Case No. 2:19-cv-00955-GMN-DJA

Plaintiff,

v.

LEE EDWARD SZYMBORSKI,

REPORT & RECOMMENDATION

Defendant.

On July 10, 2019, the Court found that Szymborski failed to attach a complaint to his application to proceed *in forma pauperis* and gave him thirty days to file a complaint. (ECF No. 5). To date, Szymborski has failed to file a complaint. Without a complaint, the court is unable to determine whether Szymborski seeks to remove an action originating in state court, or if plaintiff is attempting to file a new action originating in federal court. Further, Szymborski was told that failure to comply with the Court's Order will result in a recommendation that this case be dismissed.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice.

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the

1 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED: October 21, 2019
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE